

Message Text

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C O N F I D E N T I A L PANAMA 1630

EXDIS

FOR DEPT SECRETARY CHRISTOPHER FROM AMBASSADOR JORDEN

E.O. 11652: GDS
TAGS: PN, PBOR, PEPR
SUBJECT: PANAMA CANAL TREATIES

REF: (A) STATE 29264, (B) PANAMA 0950

1. I HAVE NOW RECEIVED THE VIEWS FROM BOTH THE CINC AND GOVERNOR REGARDING FUTURE AMENDMENTS TO PANAMA CANAL TREATY IMPLEMENTING AGREEMENTS (REF A). THIS MESSAGE SUPPLEMENTS MY EARLIER MESSAGE (REF B) CONTAINING MY VIEWS AND REPORTING ON GOP ATTITUDES ON THIS MATTER.

2. THE CINC HOLDS THE STRONG VIEW THAT THE AGREEMENTS (AND ANNEXES) IN IMPLEMENTATION OF ARTICLES III AND IV OF THE PANAMA CANAL TREATY ARE INTEGRAL PARTS OF THAT TREATY AND HE HAS MADE THIS A BASIS FOR HIS TESTIMONY AND JUSTIFICATION OF HIS POSITION BEFORE THE SENATE. HE CONCLUDES THAT ANY CHANGES SHOULD BE AFFECTED IN ACCORDANCE WITH CONSTITUTIONAL PROCESSES. HOWEVER, THE CINC POINTS OUT THAT ALL MATTERS SET FORTH IN THE AGREEMENT IN IMPLEMENTATION OF ARTICLE IV WHICH NEED TO BE HANDLED BY LOCAL U.S. MILITARY OFFICIALS ARE SPECIFICALLY LEFT FOR EXECUTIVE IMPLEMENTATION. THIS
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AUTHORITY WOULD NOT BE AFFECTED WHETHER THE AGREEMENT IS CONSIDERED AN EXECUTIVE AGREEMENT OR WHETHER IT IS A TREATY SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. IN PARTICULAR, THE CINC CONSIDERS IT IMPORTANT THAT ANY REVISION OF LAND ANNEXES TO REFLECT CHANGES IN USE BE LEFT FOR EXECUTIVE DECISION. TO SUMMARIZE, THE CINC BELIEVES THE TWO IMPLEMENTING AGREEMENTS ARE INTEGRAL

PARTS OF THE TREATY; CHANGES MUST BE MADE PURSUANT TO CONSTITUTIONAL PROCESSES, BUT ACTIONS ALREADY AUTHORIZED WITHIN THE AGREEMENTS REQUIRE NO FURTHER ACTION BY THE SENATE.

3. THE GOVERNOR FAVORS THE ALTERNATIVE SET OUT IN PARA 2 OF REF A TO THE EFFECT THAT THE RELATED AGREEMENTS BE TREATED AS AN INTEGRAL PART OF THE CANAL TREATY AND BASES THIS POSITION ON THE LIKELIHOOD THAT THE COMPLEXITY AND VARIETY OF SUBJECT MATTERS WILL GIVE RISE TO SUBSTANTIVE DISAGREEMENTS WITH THE GOP OVER INTERPRETATION OF MANY PROVISIONS. HAVING ALL THE IMPLEMENTING AGREEMENTS SUBJECT TO ADVICE AND CONCURRENCE BY THE SENATE WOULD NOT ONLY PROVIDE A PUBLIC RECORD OF THE CONGRESSIONAL DEBATE BUT ALSO IMPRESSIVE SUPPORT FOR THE U.S. POSITION IN RESOLVING QUESTIONS OF INTERPRETATION. THE GOVERNOR ALSO BELIEVES THAT IF THE IMPLEMENTING AGREEMENTS ARE TREATED AS EXECUTIVE AGREEMENTS THE GOP WILL BE MORE INCLINED TO SEEK CHANGES IN THE UNEXECUTED PROVISIONS. HE CONSIDERS THAT THE DEPT WOULD BE IN A MUCH BETTER POSITION TO RESIST CHANGES DETERIMENTAL TO U.S. INTERESTS IF AMENDMENTS COULD ONLY BE ACHIEVED BY AGREEMENTS SUBJECT TO THE RATIFICATION PROCESS. AT THE SAME TIME, THE GOVERNOR RECOGNIZES THAT SUCH A COURSE WOULD POSE AN OBSTACLE WHERE CHANGES DESIRED BY THE EXECUTIVE OR MUTUALLY DESIRED BY THE U.S. AND PANAMA WOULD ALSO HAVE CONFIDENTIAL

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TO BE CONSENTED TO BY THE SENATE.
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